insufficient is *ex post facto*, though creating no presumption. *Hart* v. *State*, 40 Ala. 32; *Goode* v. *State*, 50 Fla. 45, 39 So. 461. But one changing the competency of witnesses is not. *Hopt* v. *Territory of Utah*, 110 U. S. 574, 4 Sup. Ct. 202; *Wester* v. *State*, 142 Ala. 56, 38 So. 1010; *Mrous* v. *State*, 31 Tex. Cr. R. 597, 21 S. W. 764. The courts apparently give no weight to the difference between changes in admissibility of the evidence and changes in its legal effect. *State* v. *Johnson*, 12 Minn. 476. Nor to the fact that the statute admits, rather than excludes, the evidence. *Cf. O'Bryan* v. *Allen*, 108 Mo. 227, 18 S. W. 892. What is a permissible change of the accused's rights seems a matter of degree. In the principal case, the statute applied only to criminal cases. The retroactive effect of a statute admitting in all cases writings previously inadmissible has been held constitutional. *Thompson* v. *Missouri*, 171 U. S. 380, 18 Sup. Ct. 922. The breadth of such a statute may more conclusively negative any legislative intent of breaking faith to the accused, but the distinction seems fine, and the presumption in favor of the constitutionality of the statute should prevail.

CONSTITUTIONAL LAW — POWERS OF THE JUDICIARY — NO JURISDICTION TO ENFORCE CONSTITUTIONAL GUARANTEE OF REPUBLICAN FORM OF GOVERNMENT. — An amendment to the Constitution of Oregon provided for the initiative and referendum. The defendant corporation was taxed under a statute enacted by a reference to the people. It sought to avoid the tax on the ground that the statute and amendment violated the provision in the Federal Constitution that guarantees to each state a republican form of government. The Supreme Court of Oregon sustained the tax. The defendant appealed to the Supreme Court of the United States. *Held*, that the case be dismissed for want of jurisdiction. *Pacific States Tel. & Tel. Co.* v. *Oregon*, U. S. Sup. Ct., Feb. 19, 1912. See NOTES, p. 644.

CORPORATIONS — STOCKHOLDERS: RIGHTS INCIDENT TO MEMBERSHIP — STATUTORY RIGHT TO INSPECTION OF STOCK BOOK. — A statute provided that the stock book of every stock corporation should be open daily for the inspection of its stockholders, and provided for the recovery of a penalty and damages for refusal to allow inspection. On an application by a stockholder for a writ of *mandamus* to compel allowance of an inspection, the corporation stated facts showing that the relator's purpose in seeking an examination was "sinister and inimical to the defendant." *Held*, that the writ should be denied. *People ex rel. Britton* v. *American Press Association*, 133 N. Y. Supp. 216 (App. Div.).

The following decisions support the principal case. *Wight* v. *Heublein*, 111 Md. 649, 75 Atl. 507; *State ex rel. O'Hara* v. *National Biscuit Co.*, 69 N. J. L. 198, 54 Atl. 241; *Commonwealth* v. *Empire Passenger Ry. Co.*, 134 Pa. St. 237, 19 Atl. 629. But the weight of authority is *contra*. *Mutter* v. *Eastern and Midlands Ry. Co.*, 38 Ch. D. 92; *Cincinnati Volksblatt Co.* v. *Hoffmeister*, 62 Oh. St. 189, 56 N. E. 1033; *Venner* v. *Chicago City Ry. Co.*, 246 Ill. 170, 92 N. E. 643. The legislature could expressly provide that *mandamus* should always be granted. And it is frequently argued that the existing statutes intend to procure an absolute right to inspect the books in order to protect the stockholder from any possibility of baffling litigation. *Johnson* v. *Langdon*, 135 Cal. 624, 67 Pac. 1050; *Kimball* v. *Dern*, 116 Pac. 28 (Utah). But the interests of the corporation and the other stockholders are entitled to some consideration. And in the absence of express legislative command, it is submitted that *mandamus* should not be granted to one who has not clean hands. Such a plaintiff should be remitted to his suit for damages in which no issue of the stockholder's purposes could be raised. However, the current of judicial opinion in New York is against the principal case. *People ex rel. Callanan* v.